

CENTER FOR DISABILITY ACCESS  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**Scott Johnson**

Plaintiff,

v.

**Giorgio Mezzetta**, in individual and  
representative capacity as trustee of  
The Giorgio Mezzetta Revocable  
Living Trust dated February 11,  
2017;  
**Chanakya USA LLC**, a California  
Limited Liability Company

Defendants

**Case No.**

**Complaint For Damages And  
Injunctive Relief For Violations  
Of: Americans With Disabilities  
Act; Unruh Civil Rights Act**

Plaintiff Scott Johnson complains of Giorgio Mezzetta, in individual and  
representative capacity as trustee of The Giorgio Mezzetta Revocable Living  
Trust dated February 11, 2017; Chanakya USA LLC, a California Limited  
Liability Company; and alleges as follows:

**PARTIES:**

1. Plaintiff is a California resident with physical disabilities. Plaintiff is a  
level C-5 quadriplegic. He cannot walk and has significant manual dexterity  
impairments. He uses a wheelchair for mobility and has a specially equipped

1 van.

2 2. Defendant Giorgio Mezzetta, in individual and representative capacity  
3 as trustee of The Giorgio Mezzetta Revocable Living Trust dated February 11,  
4 2017, owned the real property located at or about 288 Castro St, Mountain  
5 View, California, between May 2021 and October 2021.

6 3. Defendant Giorgio Mezzetta, in individual and representative capacity  
7 as trustee of The Giorgio Mezzetta Revocable Living Trust dated February 11,  
8 2017, owns the real property located at or about 288 Castro St, Mountain  
9 View, California, currently.

10 4. Defendant Chanakya USA LLC owned Mantra India located at or about  
11 288 Castro St, Mountain View, California, between May 2021 and October  
12 2021.

13 5. Defendant Chanakya USA LLC owns Mantra India ("Restaurant")  
14 located at or about 288 Castro St, Mountain View, California, currently.

15 6. Plaintiff does not know the true names of Defendants, their business  
16 capacities, their ownership connection to the property and business, or their  
17 relative responsibilities in causing the access violations herein complained of,  
18 and alleges a joint venture and common enterprise by all such Defendants.  
19 Plaintiff is informed and believes that each of the Defendants herein is  
20 responsible in some capacity for the events herein alleged, or is a necessary  
21 party for obtaining appropriate relief. Plaintiff will seek leave to amend when  
22 the true names, capacities, connections, and responsibilities of the Defendants  
23 are ascertained.

24  
25 **JURISDICTION & VENUE:**

26 7. The Court has subject matter jurisdiction over the action pursuant to 28  
27 U.S.C. § 1331 and § 1343(a)(3) & (a)(4) for violations of the Americans with  
28 Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.

1       8. Pursuant to supplemental jurisdiction, an attendant and related cause  
2 of action, arising from the same nucleus of operative facts and arising out of  
3 the same transactions, is also brought under California's Unruh Civil Rights  
4 Act, which act expressly incorporates the Americans with Disabilities Act.

5       9. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b) and is  
6 founded on the fact that the real property which is the subject of this action is  
7 located in this district and that Plaintiff's cause of action arose in this district.

8  
9       **FACTUAL ALLEGATIONS:**

10       10. Plaintiff went to the Restaurant in May 2021, June 2021, and October  
11 2021 (twice) with the intention to avail himself of its goods or services  
12 motivated in part to determine if the defendants comply with the disability  
13 access laws.

14       11. The Restaurant is a facility open to the public, a place of public  
15 accommodation, and a business establishment.

16       12. Unfortunately, on the dates of the plaintiff's visits, the defendants failed  
17 to provide wheelchair accessible outside dining surfaces in conformance with  
18 the ADA Standards as it relates to wheelchair users like the plaintiff.

19       13. The Restaurant provides dining surfaces to its customers but fails to  
20 provide wheelchair accessible outside dining surfaces.

21       14. One problem that plaintiff encountered was the lack of sufficient knee  
22 or toe clearance under the outside dining surfaces for wheelchair users.

23       15. Plaintiff believes that there are other features of the dining surfaces that  
24 likely fail to comply with the ADA Standards and seeks to have fully compliant  
25 dining surfaces for wheelchair users.

26       16. On information and belief, the defendants currently fail to provide  
27 wheelchair accessible dining surfaces.

28       17. Additionally, on the dates of the plaintiff's visits, the defendants failed

1 to provide accessible entrance door hardware in conformance with the ADA  
2 Standards as it relates to users like the plaintiff.

3 18. The Restaurant provides door hardware to its customers but fails to  
4 provide accessible door hardware.

5 19. A problem that plaintiff encountered was that the entrance door  
6 hardware had a pull bar style handle that required tight grasping to operate.

7 20. Plaintiff believes that there are other features of the door hardware that  
8 likely fail to comply with the ADA Standards and seeks to have fully compliant  
9 door hardware.

10 21. On information and belief, the defendants currently fail to provide  
11 accessible door hardware.

12 22. The failure to provide accessible facilities created difficulty and  
13 discomfort for the Plaintiff.

14 23. These barriers relate to and impact the plaintiff's disability. Plaintiff  
15 personally encountered these barriers.

16 24. As a wheelchair user, the plaintiff benefits from and is entitled to use  
17 wheelchair accessible facilities. By failing to provide accessible facilities, the  
18 defendants denied the plaintiff full and equal access.

19 25. The defendants have failed to maintain in working and useable  
20 conditions those features required to provide ready access to persons with  
21 disabilities.

22 26. The barriers identified above are easily removed without much  
23 difficulty or expense. They are the types of barriers identified by the  
24 Department of Justice as presumably readily achievable to remove and, in fact,  
25 these barriers are readily achievable to remove. Moreover, there are numerous  
26 alternative accommodations that could be made to provide a greater level of  
27 access if complete removal were not achievable.

28 27. Plaintiff will return to the Restaurant to avail himself of its goods or

1 services and to determine compliance with the disability access laws once it is  
 2 represented to him that the Restaurant and its facilities are accessible. Plaintiff  
 3 is currently deterred from doing so because of his knowledge of the existing  
 4 barriers and his uncertainty about the existence of yet other barriers on the  
 5 site. If the barriers are not removed, the plaintiff will face unlawful and  
 6 discriminatory barriers again.

7 28. Given the obvious and blatant nature of the barriers and violations  
 8 alleged herein, the plaintiff alleges, on information and belief, that there are  
 9 other violations and barriers on the site that relate to his disability. Plaintiff will  
 10 amend the complaint, to provide proper notice regarding the scope of this  
 11 lawsuit, once he conducts a site inspection. However, please be on notice that  
 12 the plaintiff seeks to have all barriers related to his disability remedied. See  
 13 *Doran v. 7-11*, 524 F.3d 1034 (9th Cir. 2008) (holding that once a plaintiff  
 14 encounters one barrier at a site, he can sue to have all barriers that relate to his  
 15 disability removed regardless of whether he personally encountered them).

16  
 17 **I. FIRST CAUSE OF ACTION: VIOLATION OF THE AMERICANS**  
 18 **WITH DISABILITIES ACT OF 1990** (On behalf of Plaintiff and against all  
 19 Defendants.) (42 U.S.C. section 12101, et seq.)

20 29. Plaintiff re-pleads and incorporates by reference, as if fully set forth  
 21 again herein, the allegations contained in all prior paragraphs of this  
 22 complaint.

23 30. Under the ADA, it is an act of discrimination to fail to ensure that the  
 24 privileges, advantages, accommodations, facilities, goods and services of any  
 25 place of public accommodation is offered on a full and equal basis by anyone  
 26 who owns, leases, or operates a place of public accommodation. See 42 U.S.C.  
 27 § 12182(a). Discrimination is defined, inter alia, as follows:

28 a. A failure to make reasonable modifications in policies, practices,

1 or procedures, when such modifications are necessary to afford  
2 goods, services, facilities, privileges, advantages, or  
3 accommodations to individuals with disabilities, unless the  
4 accommodation would work a fundamental alteration of those  
5 services and facilities. 42 U.S.C. § 12182(b)(2)(A)(ii).

6 b. A failure to remove architectural barriers where such removal is  
7 readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv). Barriers are  
8 defined by reference to the ADA Standards.

9 c. A failure to make alterations in such a manner that, to the  
10 maximum extent feasible, the altered portions of the facility are  
11 readily accessible to and usable by individuals with disabilities,  
12 including individuals who use wheelchairs or to ensure that, to the  
13 maximum extent feasible, the path of travel to the altered area and  
14 the bathrooms, telephones, and drinking fountains serving the  
15 altered area, are readily accessible to and usable by individuals  
16 with disabilities. 42 U.S.C. § 12183(a)(2).

17 31. When a business provides dining surfaces, it must provide accessible  
18 dining surfaces.

19 32. Here, accessible dining surfaces have not been provided in  
20 conformance with the ADA Standards.

21 33. When a business provides door hardware, it must provide accessible  
22 door hardware.

23 34. Here, accessible door hardware has not been provided in conformance  
24 with the ADA Standards.

25 35. The Safe Harbor provisions of the 2010 Standards are not applicable  
26 here because the conditions challenged in this lawsuit do not comply with the  
27 1991 Standards.

28 36. A public accommodation must maintain in operable working condition

1 those features of its facilities and equipment that are required to be readily  
2 accessible to and usable by persons with disabilities. 28 C.F.R. § 36.211(a).

3 37. Here, the failure to ensure that the accessible facilities were available  
4 and ready to be used by the plaintiff is a violation of the law.

5  
6 **II. SECOND CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL**  
7 **RIGHTS ACT** (On behalf of Plaintiff and against all Defendants.) (Cal. Civ.  
8 Code § 51-53.)

9 38. Plaintiff repleads and incorporates by reference, as if fully set forth  
10 again herein, the allegations contained in all prior paragraphs of this  
11 complaint. The Unruh Civil Rights Act (“Unruh Act”) guarantees, inter alia,  
12 that persons with disabilities are entitled to full and equal accommodations,  
13 advantages, facilities, privileges, or services in all business establishment of  
14 every kind whatsoever within the jurisdiction of the State of California. Cal.  
15 Civ. Code §51(b).

16 39. The Unruh Act provides that a violation of the ADA is a violation of the  
17 Unruh Act. Cal. Civ. Code, § 51(f).

18 40. Defendants’ acts and omissions, as herein alleged, have violated the  
19 Unruh Act by, inter alia, denying, or aiding, or inciting the denial of, Plaintiff’s  
20 rights to full and equal use of the accommodations, advantages, facilities,  
21 privileges, or services offered.

22 41. Because the violation of the Unruh Civil Rights Act resulted in difficulty,  
23 discomfort or embarrassment for the plaintiff, the defendants are also each  
24 responsible for statutory damages, i.e., a civil penalty. (Civ. Code § 55.56(a)-  
25 (c).)

26 42. Although the plaintiff encountered frustration and difficulty by facing  
27 discriminatory barriers, even manifesting itself with minor and fleeting  
28 physical symptoms, the plaintiff does not value this very modest physical

1 personal injury greater than the amount of the statutory damages.

2  
3 **PRAYER:**

4 Wherefore, Plaintiff prays that this Court award damages and provide  
5 relief as follows:

6 1. For injunctive relief, compelling Defendants to comply with the  
7 Americans with Disabilities Act and the Unruh Civil Rights Act. Note: the  
8 plaintiff is not invoking section 55 of the California Civil Code and is not  
9 seeking injunctive relief under the Disabled Persons Act at all.

10 2. For equitable nominal damages for violation of the ADA. See  
11 *Uzuegbunam v. Preczewski*, --- U.S. ---, 2021 WL 850106 (U.S. Mar. 8, 2021)  
12 and any other equitable relief the Court sees fit to grant.

13 3. Damages under the Unruh Civil Rights Act, which provides for actual  
14 damages and a statutory minimum of \$4,000 for each offense.

15 4. Reasonable attorney fees, litigation expenses and costs of suit, pursuant  
16 to 42 U.S.C. § 12205; and Cal. Civ. Code §§ 52.

17  
18 Dated: November 15, 2021

CENTER FOR DISABILITY ACCESS

19  
20  
21 By: 

22 Amanda Seabock, Esq.  
23 Attorney for plaintiff  
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